

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEITH LONDON,

Plaintiff,
v.
Case No. 18-cv-1028-pp

STATE OF WISCONSIN, *et al.*,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE WILLIAM DUFFIN'S REPORT AND RECOMMENDATION (DKT. NO. 27) AND DISMISSING THE CASE

On July 6, 2018, the plaintiff filed a complaint alleging that the defendants violated his civil rights, dkt. no. 1; he filed an amended complaint about a month later, dkt. No. 9. The Prison Litigation Reform Act applies to this case because the plaintiff was incarcerated when he filed his complaint. That law requires courts to screen a complaint filed by an incarcerated plaintiff to determine whether the plaintiff may proceed with any claims.

On November 16, 2018, the court referred this case to Magistrate Judge William Duffin for all pretrial matters. Dkt. No. 24. Five days later, on November 21, 2018, Judge Duffin screened the amended complaint and concluded that the plaintiff's intent in filing that amended complaint was to harass the defendants and/or the court.¹ Dkt. No. 25 at 8. Judge Duffin gave

¹Judge Duffin noted that the plaintiff has filed numerous cases in this district. Dkt. No. 25 at 8. The plaintiff's amended complaint is forty-two, single-spaced pages long, and the plaintiff purports to name as defendants "The Entire State of Wisconsin." Dkt. No. 9 at 5. Many of the allegations in this complaint are similar to, or identical to, allegations he made in another case he has pending

the plaintiff an opportunity to file a second amended complaint, but he warned the plaintiff that if he did not file a second amended complaint—one that complied with Judge Duffin’s order—by the December 21, 2018 deadline that he set, Judge Duffin would recommend that this court dismiss the plaintiff’s case and assess him a strike under 28 U.S.C. §1915(g). Id.

The plaintiff did not file a second amended complaint by the December 21, 2018 deadline, so on January 2, 2019, Judge Duffin recommended that the court dismiss the plaintiff’s case and assess him a strike under §1915(g) because his amended complaint was malicious. Dkt. No. 27. In his order, Judge Duffin informed the plaintiff that he had fourteen days to object to the recommendation (in other words, the plaintiff needed to object by January 16, 2019 or thereabout). Id. The court has not received an objection to Judge Duffin’s report and recommendation. The court is aware that the plaintiff was released on extended supervision on January 9, 2019, but that was seven days after Judge Duffin issued his recommendation, and six weeks after Judge Duffin ordered the plaintiff to file an amended complaint. (See <https://appsdoc.wi.gov/lop/detail.do>, last checked January 22, 2019.)

in this court, London v. State of Wisconsin Department of Corrections, et al, Case No. 18-cv-889 (E.D. Wis.). Like that complaint, this one raises a multitude of claims against numerous, unrelated defendants on all sorts of topics, from health care to denial of access to the law library, to denial of his First Amendment right to practice his religion, to solitary confinement, to violations of the Americans with Disabilities Act. Judge Duffin concluded that the fact that the plaintiff filed a complaint that violates several of the Federal Rules of Civil Procedure, when he is an experienced litigant, showed that he had filed the amended complaint for malicious reasons. Dkt. No. 25 at 8.

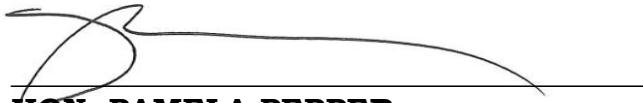
The court agrees with Judge Duffin's analysis of the plaintiff's amended complaint, and will adopt his recommendation. The court incorporates Judge Duffin's conclusions and the reasoning supporting those conclusions in this order.

The court **ORDERS** that this case is **DISMISSED** under 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1) because the plaintiff's amended complaint was malicious, and because the plaintiff failed to follow Judge Duffin's order to file an amended complaint that complies with the Federal Rules of Civil Procedure.

The court **ORDERS** that the Clerk of Court shall document that the plaintiff has incurred a "strike" under 28 U.S.C. §1915(g).

Dated in Milwaukee, Wisconsin, this 29th day of January, 2019.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge